



**Contra
Costa
County**

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: June 7, 2022

Subject: HEARING on levy of proposed Fiscal Year 2022-2023 assessments in Assessment District 1979-3 (LL-2) and adoption of resolution levying assessments.

RECOMMENDATION(S):

1. OPEN the public hearing, RECEIVE and CONSIDER all written and oral statements and protests, and CLOSE the public hearing.
2. ADOPT Resolution No. 2022/134, confirming the Assessment District 1979-3 (LL-2) diagram and assessments as set forth in the Fiscal Year 2022-2023 engineer's report.
3. DIRECT the Clerk of the Board of Supervisors to file the confirmed diagram and assessments, or certified copy thereof, with the Auditor-Controller, in accordance with Streets and Highway Code section 22641.
4. DIRECT the Auditor-Controller to enter the confirmed assessments on the Fiscal Year 2022-2023 assessment roll in accordance with Streets and Highways Code section 22645.

FISCAL IMPACT:

Costs associated with the levy and collection of assessments will be funded with Assessment District 1979-3 (LL-2) revenues.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **06/07/2022** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: Candace Andersen, District II
Supervisor
Diane Burgis, District III
Supervisor
Karen Mitchoff, District IV
Supervisor
Federal D. Glover, District V
Supervisor

ABSENT: John Gioia, District I
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: June 7, 2022

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Carl Roner, (925) 313-2213

BACKGROUND:

Assessment District 1979-3 (LL-2), also known as the Countywide Landscaping District (“District”), is made up of 32 zones in all five supervisorial districts. Within the zones, landscaping, irrigation systems, park and recreational facilities and other improvements have been constructed or installed, many by developers as conditions of approval. Annual assessments are levied each year on parcels in these zones under the Landscaping and Lighting Act of 1972 (Sts. & Hy. Code, div. 15, pt. 2, § 22500 et seq.) (the “Act”), to fund the maintenance and servicing of these facilities and, as the need arises, the installation or construction of new or replacement facilities.

On March 29, 2022, the Board adopted Resolution No. 2022/87, which ordered the preparation and filing of an engineer’s report for District assessments to be levied in Fiscal Year 2022-2023. On May 10, 2022, the Board received and approved the engineer’s report, a copy of which is attached. As indicated in the report, no new improvements, and no significant changes in existing improvements in the District are proposed. Costs of existing improvements are projected to increase due to inflation. In zones where assessments are at their authorized maximums, and cannot be increased without additional assessment ballot proceedings, cost increases may lead to reductions in maintenance services.

As the engineer’s report also indicates, no increases in assessments are proposed in Fiscal Year 2022-2023. Assessments in Zones 1, 2, 3, 4, 7, 10, 11, 17, 18, 19, 21, 22, 27, 36, 37, 38, 42, 45, 48, 57, 61, 63, 64, and 68 cannot be adjusted without future assessment ballot proceedings. Proposed adjustments of assessments in Zones 5, 35, 54, 69, 70, 71, 74, and 75, where assessments are either below maximum authorized amounts or may be changed in accordance with changes in the applicable Consumer Price Index, were approved when parcel owners voted to approve the assessments in prior years, and are thus not considered to be increases that would trigger the need for additional assessment ballot proceedings.

Following its approval of the Fiscal Year 2022-2023 engineer’s report for the District, the Board adopted Resolution No. 2022/133, declaring the Board’s intent to levy and collect District assessments and giving notice of a public hearing on the levy of the proposed assessments on June 7, 2022, at 9 a.m. in the Board Chambers at 1025 Escobar Street, Martinez, California. Any person may present written or oral testimony at the hearing regarding the levy of the proposed assessments. Prior to the conclusion of the public hearing, any interested person may file a written protest, stating all grounds for objection. Before making a decision on the levy of the proposed assessments, the Board is required under the Act to consider all oral statements and all written protests made or filed by any interested person. The Act also requires the Board to abandon the proposed levy of an increased assessment in the event of a “majority protest,” which is determined based on the tally of ballots submitted in an assessment ballot proceeding. (See Sts. & Hy. Code, § 22630.5 and Gov. Code, § 53753, subd. (e)(4). Because no assessment ballot proceeding is taking place, the majority protest procedure does not apply at this hearing.

During the public hearing, or upon the conclusion of the public hearing, the Board may order changes in any of the matters contained in the engineer's report, including changes in District improvements, zones, the proposed diagram, or the proposed assessments. Following the hearing, the Board may then adopt Resolution No. 2022/134, confirming the District diagram and assessments. Adoption of the resolution constitutes the levy of the assessments.

CONSEQUENCE OF NEGATIVE ACTION:

District assessments could not be levied or collected in Fiscal Year 2022-2023.

ATTACHMENTS

Resolution No. 2022/134

C.C.C. Consolidated Report for the Assessment District 1979-3 (LL-2) Fiscal Year 2022-23

C.C.C. Appendix B, Fiscal Year 2022-23 Assessment Diagrams

C.C.C. Appendix C, Fiscal Year 2022-23 Assessment Roll